

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52909 of 2022

Arising Out of PS. Case No.-405 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

ABHIJEET KUMAR, S/O Surendra Yadav @ Surendra Rai, Resident of
village- Bhagwatipur, Bara Jagarnath, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Ahiyapur P.S.
Case No. 405 of 2022 registered for the offence punishable under
Sections 414 and 34 of the Indian Penal Code and Sections 8 (c) and
21 (b) of the N.D.P.S. Act.

On seeing the police party, it is alleged that four persons
started fleeing away. They including the petitioner have been
searched. From the petitioner's possession there is alleged recovery
of Smack like substance weighing 08 grams.

Learned counsel for the petitioner submits that having no
antecedents, the petitioner is in custody since 17.05.2022. The
recovery is denied and disputed and it is submitted that the same is in
violation of the mandatory prescribed procedure. The quantum of
recovery (08 grams) is slightly above small quantity and much below
the commercial quantity. The petitioner has no concern with the other
accused persons. Co-accused Jitendra Kumar has been granted bail in
Cr. Misc. No. 52006 of 2022.

Learned APP for the State has opposed the prayer for bail.



It is submitted that Smack has been recovered from the petitioner's possession.

Considering the rival submissions, his clean antecedents and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Muzaffarpur, in connection with Ahiyapur P. S. Case No. 405 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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